

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Manuel GOMEZ-Dominguez,

Defendant

Magistrate Docket No.

08 MAR 5 11:05 AM
08 MJ 0676
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 4, 2008**, within the Southern District of California, defendant, **Luis Manuel GOMEZ-Dominguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF MARCH 2008.


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Luis Manuel GOMEZ-Dominguez****PROBABLE CAUSE STATEMENT**

On March 4, 2008, at approximately 9:05 A.M., Field Operations Supervisor A. Cortez, was performing supervisory duties in an area known as "Stewart's Bridge." This area is approximately 1.5 miles west of the San Ysidro, California, Port of Entry and is approximately fifty yards north of the United States / Mexico International Boundary Fence. Stewart's Bridge is notoriously used by undocumented immigrants to further their illegal entry into the United States.

At approximately 9:05 A.M., the agent assigned to the south levee advised Agent Cortez via service radio that he observed three individuals walking north from the secondary fence in the channel. Agent Cortez responded to the reported location and observed an individual, who was later identified as the defendant **GOMEZ-Dominguez, Luis Manuel**, lying in the brush. The defendant freely admitted that he was a Mexican citizen and national without immigration documentation permitting him to enter or remain in the United States legally. Shortly after the defendant's arrest, after searching the area in detail with the assistance of additional Border Patrol Agents, the remaining two individuals were found in the same approximate area and were arrested. The three individuals, including the defendant, were transported to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 3, 2008, through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.